

THIRTEENTH JUDICIAL DISTRICT
STATE OF MONTANA

Gregory R. Todd
DISTRICT JUDGE—DEPARTMENT 4
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EXHIBIT 5
DATE 3-26-09
SB 235

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House Business and Labor Committee

Re: Senate Bill 235

I write in opposition to Senate Bill 235. The Bill appears to say that a wide variety of people can hold themselves out as doing the work of a psychologist "provided that they are qualified to administer the test and make the evaluation or assessment." (proposed Section 37-17-104(2)). But no where in the Bill is there any way of telling how those "qualified members of other professions" are determined to be qualified.

If one of those "qualified members of other professions" or a psychologist appears in my court and attempts to give testimony and opinions on psychological testing, evaluations and assessments, the opposing attorney may cross-examine the witness and there are rules of evidence and cases that apply legal standards. But in all non-court settings and in particular to the general public, there is no way to determine if the person is qualified. There must be additional language and standards to determine and judge the training and competence of non-psychologists that are giving psychological testing, evaluations, and assessment. Therefore, the Bill appears to be fatally flawed and should be rejected.

Sincerely yours,


HON. GREGORY R. TODD
District Court Judge

GRT/mlh